

59° VICTORIA, 1896.

A BILL

To provide for the better inspection in certain cases of Animals intended to be slaughtered, for the inspection and certification of the carcasses of animals slaughtered, and for keeping a record of the brands and descriptions of the said Animals; and to amend the Acts 5th Wm. IV No. 1, 7 Vic. No. 2, and 15 Vic. No. 13.

WHEREAS it is expedient that provision should be made for the more careful inspection and certification of meat intended for the food of man, whether for export or otherwise: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. If any person carrying on the business of slaughtering animals in premises in respect of which he holds a license under Part II of the Noxious Trades and Cattle-slaughtering Act, 1894, pays into the Consolidated Revenue Fund the sum of two hundred and fifty pounds annually by four quarterly instalments in advance, then during the period in respect of which each of the said payments has been made the provisions of the Acts fifth William the Fourth number one, seventh Victoria number two, and fifteenth Victoria number thirteen shall have no force and effect so far as they relate—

- (a) to the giving of notice of the cattle slaughtered or intended to be slaughtered in the said premises; or
- (b) to the inspection or examination of such cattle as aforesaid, and the skins thereof by inspectors appointed under the said Acts, or either of them, and the payment of fees for the said inspection; or
- (c) to the duties or powers of inspectors appointed as aforesaid in or in connection with the said inspection or examination.

But, in consideration of the said annual payment, a duly qualified inspector shall be appointed as hereinafter mentioned, who shall examine all animals intended to be slaughtered, and the carcasses of all animals slaughtered, on the said premises.

2. During the period above-mentioned, all animals intended to be slaughtered, and the carcasses of all animals slaughtered on such premises as aforesaid, shall be examined by inspectors appointed under this Act as hereinafter mentioned. Inspection of animals slaughtered or intended to be slaughtered.

If any animals or carcasses are found on examination as aforesaid to be, in the opinion of the inspector making the examination, diseased or unsound or unwholesome or unfit for the food of man, the said inspector shall cause the animals to be destroyed, and shall cause the carcasses to be disposed of by such person, and in such manner as may be prescribed.

Such carcasses as may be found on examination as aforesaid to be sound and fit for the food of man shall be marked or distinguished by such person, and in such manner as may be prescribed. And the inspector making the examination may thereupon give a certificate in the form prescribed to the person carrying on business in the premises as aforesaid.

3. Every person carrying on business as aforesaid, in premises in regard to which an inspector is appointed under this Act, shall keep a record in the form prescribed of the brands and description of all animals slaughtered on the said premises. Record to be kept of brands and descriptions.

4. The inspectors appointed as hereinafter mentioned may, for the purpose of carrying out the provisions of this Act, enter any premises as aforesaid at any time of the day or night. Inspectors may enter premises for the purposes of carrying out the provisions of this Act.

Any person who obstructs or hinders an inspector in the performance of any duty imposed or authority conferred on him by this Act or by any regulations made thereunder shall be liable to a penalty not exceeding *twenty* pounds.

5. All inspectors under this Act shall be appointed by the Governor, upon the recommendation of the Board of Health. Governor may appoint inspectors.

6. The Governor, upon the recommendation of the Board of Health, may make regulations for carrying out the provisions of this Act, and in particular for prescribing— Governor may make regulations.

- (a) the duties and powers of inspectors appointed under this Act ;
- (b) the form of certificates given under this Act, and the measures to be taken for distinguishing the carcasses found on examination to be sound and fit for the food of man ;
- (c) the mode of destruction of animals, and the disposal of carcasses found on examination to be diseased, or unsound, or unwholesome, or unfit for the food of man ;

and may impose any penalty not exceeding *twenty* pounds for any breach thereof.

All regulations shall be published in the *Gazette*, and shall thereupon, if not inconsistent with this Act, have the force of law, and shall be laid on the tables of both Houses of Parliament within one month after publication as aforesaid if Parliament be then sitting, and if not within one month after the next sitting of Parliament.

7. (1) Every person who

- (a) forges or utters a certificate authorised by this Act to be given ; or,
- (b) forges any seal, impression, or mark prescribed for distinguishing the carcasses found on examination to be sound and fit for the food of man ; or
- (c) fraudulently affixes or attaches to any carcasses any seal, impression, or mark prescribed as aforesaid, or any seal, impression, or mark so nearly resembling the seal, impression, or mark prescribed as to be calculated to deceive ; or,
- (d) falsely takes any measures prescribed for distinguishing the carcasses found on examination to be sound and fit for the food of man, or any measures so nearly resembling the measures prescribed as to be calculated to deceive ; or,

Forging certificates and marks, and falsely applying marks to carcasses.

See Merchandise Marks Act, 1887, s. 2.

(e)

Cattle-slaughtering Inspection.

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(e) makes, disposes of, or has in his possession, any appliance for the purpose of forging, or of being used for forging a certificate as aforesaid, or any seal, impression, or mark prescribed as aforesaid; or,

(f) causes any of the things above in this section mentioned to be done;

shall, unless he proves that he acted without intent to defraud, be guilty of an offence against this section.

(II) Every person who sells, or exposes for sale, or has in his possession for sale or for any purposes of trade any carcasses to which any forged seal, impression, or mark, or to which any seal, impression, or mark so nearly resembling the seal, impression, or mark prescribed as to be calculated to deceive is fraudulently affixed or attached, or on which any genuine mark has been falsely affixed or attached, or as to which any measures have been falsely taken so nearly resembling the measures prescribed as to be calculated to deceive, shall, unless he proves—

Selling animals to whom false mark is applied.

(a) that having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the seal, impression, or mark, or of the measures taken; and

(b) that on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained the said carcasses; or

(c) that otherwise he had acted innocently;

be guilty of an offence against this section.

(III) Every person guilty of an offence against this section shall be liable on summary conviction to imprisonment for a period not exceeding *six* months, or to a penalty not exceeding *fifty* pounds, or to both imprisonment and penalty as aforesaid.

Punishment for offence against this section.

8. All penalties imposed by this Act or by any regulations made thereunder may be recovered before, and all offences against this Act may be heard and determined by, a police or stipendiary magistrate or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section, may appeal therefrom in the manner provided by the Act fifth William the Fourth, number twenty-two.

Recovery of penalties.

9. In this Act or in any regulations made thereunder—

Definitions.

“Animal” means animal of a kind commonly used for the food of man.

“Board of Health” means Board incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894.

“Carcase” means carcase of an animal as above defined, and includes any portion of a carcase.

“Diseased,” as applied to an animal or its carcase, means affected with tuberculosis, anthrax, actinomycosis, or cancer, or with any other disease which the Governor, by notification in the *Gazette*, may declare to be a disease within the meaning and for the purposes of this Act.

“Governor” means Governor with the advice of the Executive Council.

“Prescribed” means prescribed by this Act or by any regulations made thereunder.

10. This Act shall have effect on and after the _____ day of _____, one thousand eight hundred and ninety-six, and may be cited as the “Cattle-slaughtering Inspection Act, 1896.”

Commencement and short title.